

ORDINANCE NO. 2235

AN ORDINANCE VACATING A PORTION OF CEDAR NILES ROAD RIGHTS-OF-WAY IN THE CITY OF GARDNER, KANSAS, AND REPEALING ORDINANCE NUMBER 2224.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Ordinance No. 2224 is hereby repealed in its entirety.

SECTION TWO: Under the provisions of K.S.A. 14-423 and for good cause shown, the Governing Body of the City of Gardner, Kansas, deems it advisable and does hereby vacate a portion of the public street rights-of-way known as Cedar Niles Road and is described as follows:

Cedar Niles Road Vacation Description:

All that part of the Northwest Quarter of Section 29, and the Northeast Quarter of Section 30, all in Township 14 South, Range 23 East, of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Commencing at the northwest corner of said Northwest Quarter of Section 29; thence on a bearing based on the Grid Bearings of the Kansas State Plane Coordinate System, North Zone – NAD 83, South 02 degrees 15 minutes 27 seconds East, along the west line of said Northwest Quarter, 435.55 feet to the Point of Beginning; thence North 87 degrees 44 minutes 33 seconds East, as measured at right angles to said west line, 30.00 feet to a point on the west line of Lot 5, GARDNER TRUCK PLAZA, a subdivision of land in said Northwest Quarter of Section 29; thence South 02 degrees 15 minutes 27 seconds East, along said west line of Lot 5 and parallel with the west line of said Northwest Quarter, 434.96 feet to the southwest corner of said Lot 5 and being a point of curvature on the westerly right-of-way line of I-35 Highway as it now exists; thence Southwesterly along said westerly right-of-way line on a curve to the left having a radius of 11,609.16 feet, a chord bearing of South 50 degrees 50 minutes 53 seconds West, a central angle of 00 degrees 22 minutes 13 seconds, and an arc length of 75.02 feet to the southeast corner of Lot 1, GARDNER RETAIL PLAZA, a subdivision of land in said Northeast Quarter of Section 30; thence North 02 degrees 15 minutes 27 seconds West, along the east line of said Lot 1 and parallel with said west line of said Northwest Quarter, 480.00 feet; thence North 87 degrees 44 minutes 33 seconds East, as measured at right angles to said west line of said Northwest Quarter, 30.00 feet to the point of beginning. Containing 27,446 square feet or 0.63007 acres, more or less.

SECTION THREE: The City of Gardner, Kansas, hereby reserves to the City and all public utilities, pursuant to K.S.A. 12-512a, 1975 Supplement, a permanent utility easement, on all of the rights-of-way being vacated by this ordinance.

SECTION FOUR: Upon vacation of a portion of Cedar-Niles Road as set out in Section Two hereof ownership of the vacated rights-of-way shall revert to the owners with vested property rights.

SECTION FIVE: The City Clerk of the City of Gardner, Kansas, shall cause this ordinance to be published in the official city paper and to file a certified copy thereof with the County Clerk and Register of Deeds, Johnson County, Kansas.

SECTION SIX: The ordinance so vacating, discontinuing, or canceling shall provide that the same shall become effective 30 days after the publication thereof unless one or more interested parties file a written protest before the expiration of such time as provided by law.

PASSED and APPROVED the 4th day of June, 2007.

Carol Lehman, Mayor

ATTEST:

Teresa Anderson, City Clerk
(SEAL)